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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,384	12/14/2000	Daniel C. Cauchy	081862.P213	1828

7590

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EXAMINER

TRAN, DZUNG D

ART UNIT

PAPER NUMBER

2638

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,384

Applicant(s)

CAUCHY ET AL.

Examiner

Dzung D Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-16,18-20,22-24,26 and 27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1,4-16,18-20,22-24,26 and 27 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 10-11, 16, 18-20, 22-24 and 26-27 are rejected 35 U.S.C. 103(a) as being unpatentable over Dantu U.S. patent no. 6,532,088 in view of Chaudhuri et al. U.S. patent no. 6,587,235.

Regarding claims 16 and 24, Dantu discloses a method and system provide capacity efficient restoration within an optical fiber communication system comprising:

associating a first route with a first channel (figure 3, element 110) of two or more channels (figure 3, element 108, 110, 324);

associating a second route with a second channel (figure 3, element 108) of the two or more channels (figure 3, element 108, 110, 324);

selecting the second route as a diverse alternate route to re-establish a connection upon failure of the first route, by comparing the first physical link with the second physical link and selecting the second route when the first physical link is different from the second physical link (col. 9, lines 8-36). Dantu differs from claim 16 and 24 of the present invention in that Dantu does not disclose the optical system is a DWDM. Chaudhuri discloses a system provide capacity-efficient restoration within an

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optical communication system having interface equipment comprise WDM but preferably DWDM (col. 5, lines 49-52) and since it is well recognize in the art that WDM covers 40 or less wavelength channels while DWDM reaches to 120 channels or more. Thus, it would have been obvious to an artisan at the time of the invention was made to include the DWDM in the system of Dantu to take advantage of the unprecedented capacity (i.e. bandwidth) offered by optical fiber and allows a single optical fiber to carry data over a large number of discrete channels.

Regarding claims 4 and 10, Dantu further discloses first physical link identifier (Link 108) to a first route (e.g., route 108 from node 300 to 312 to 316) and a second physical link identifier (Link 110) to a second route (e.g., route 110 from node 300 to 312 to 316), and selecting the alternate route by comparing the first physical link identifier with the second physical link identifier (col. 9, lines 8-36).

Regarding claim 20, Dantu discloses in figure 4, a control system that include a processor 402 for monitoring and issuing control commands (col. 9, lines 46-55).

Regarding claim 1, Dantu discloses the communication system further comprising :

associating a first route (e.g., route 108 from node 300 to 312 to 316) with a first channel (figure 3, element 108) and associating a second route (e.g., route 108 from node 300 to 320 to 316) with a second channel (figure 3, element 108) ;

associating a third route (e.g., route 110 from node 300 to 312 to 316) with a third channel (figure 3, element 110), the first physical link is associated with a first

physical link identifier 108 and the second physical link is associated with a second physical link identifier 108;

selecting the third route as a diverse alternate route to re-establish a connection that used the first route, by comparing the first physical link identifier with the second physical link identifier (e. g. see figure 9, based on the look up table 904, 908, 912, the node 900 switch from path A to path B or from path D to path E or from path G to path H, also see col. 9, lines 8-36).

Regarding claims 18-19, 22-23 and 26-27, Dantu further discloses first physical link identifier (Link 108) to a first route (e.g., route 108 from node 300 to 312 to 316) and a second physical link identifier (Link 110) to a second route (e.g., route 110 from node 300 to 312 to 316); comparing the first physical link identifier with the second physical link identifier (e. g. based on the look up table 12, see figure 2, col. 7, line 60 to col. 8, line 18); and selecting the second route as an alternate route for the first route before the first route fails (e. g. see figure 9, based on the look up table 904, 908, 912, the node 900 switch from path A to path B or from path D to path E or from path G to path H, also see col. 9, lines 8-36).

Regarding claims 5, 11, Dantu clearly discloses in figures 2 and 3, the first route and the diverse alternate route provide connections to similar nodes.

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3. Claims 6-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dantu U.S. patent no. 6,532,088 in view of Chaudhuri et al. U.S. patent no. 6,587,235 and further in view of Asano U.S. patent no. 6,240,102.

Regarding claims 6, 7, 12 and 13, Dantu and Chaudhuri differ from claimed invention in that Dantu and Chaudhuri do not specific disclose first physical link identifier and a second physical link identifier are implemented with a private network to network interface (PNNI) routing protocol. Asano discloses a private network to network interface (PNNI) routing protocol (col. 2, lines 37-45, col. 9, line 27 to col. 10, line 55). Since it is well known in the art to determine the route of a connection on the basic of signaling protocol called the private network to network interface (PNNI). Therefore, it would have been obvious to an artisan at the time of the invention was made to incorporate a private network to network interface (PNNI) routing protocol of Asano in the system of Dantu and Chaudhuri in order to exchange the routing information among the nodes.

Regarding claims 8, 9, 14 and 15, Asano further discloses a system having a horizontal link information group and a capacities information group (figures 15, 16, col. 13, lines 4-15).

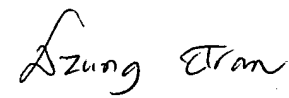
4. Applicant's arguments with respect to claims 1, 4-16, 18-20, 22-24 and 26-27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye, can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dzung Tran  
09/17/2005